

FILED

IN THE UNITED STATES DISTRICT COURT

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

FOR THE DISTRICT OF NEW MEXICO

MAY 23 2012

UNITED STATES OF AMERICA,

Plaintiff,

vs.

**HERBERT BEN, Sr.,
ROSABELLE BEN,
BRUCE HAMMILTON and
HERBERT BEN, Jr.,**

Defendant.

MATTHEW J. DYKMAN

CLERK

CRIMINAL NO.

Count 1: 18 U.S.C. §§ 2, 1153, 2241(c)
and 2246(2)(B): Aggravated Sexual
Abuse, Aiding and Abetting;

Count 2: 18 U.S.C. §§ 2, 1152, 1153,
2241(c) and 2246(2)(B): Aggravated
Sexual Abuse, Aiding and Abetting;

Count 3: 18 U.S.C. §§ 1153, 2241(c)
and 2246(2)(A): Attempted Aggravated
Sexual Abuse.

INDICTMENT

The Grand Jury charges:

Count 1

On or about December 3, 2011, in Indian Country, in San Juan County, in the District of New Mexico, the defendants, **HERBERT BEN, Sr. and ROSABELLE BEN**, both Indians, did knowingly engage in a sexual act with Jane Doe, a person known to the grand jury, who had attained the age of 12 years but had not attained the age of 16 years and was at least four years younger than the defendants, by using force, and the sexual act consisted contact between the mouth and the vulva of Jane Doe.

In violation of 18 U.S.C. §§ 2, 1153, 2241(c) and 2246(2)(B).

Count 2

On or about between March 1, 2011, and April 30, 2011, in Indian Country, in San Juan County, in the District of New Mexico, the defendant **BRUCE HAMMILTON**, a non-Indian and **ROSABELLE BEN**, an Indian, did knowingly engage in a sexual act with Jane Doe, an Indian, a person known to the grand jury, who had attained the age of 12 years but had not attained the age of 16 years and was at least four years younger than the defendants, by using force, and the sexual act consisted of contact between the mouth and the vulva of Jane Doe.

In violation of 18 U.S.C. §§ 2, 1152, 1153, 2241(c) and 2246(2)(B).

Count 3


On or about between October 1, 2010 and November 30, 2010, in Indian Country, in San Juan County, in the District of New Mexico, the defendant, **HERBERT BEN, Jr.**, an Indian, did knowingly attempt to engage in a sexual act with Jane Doe, a person known to the grand jury, who had attained the age of 12 years but had not attained the age of 16 years and was at least four years younger than the defendant, by using force, and the attempted sexual act consisted of contact between the penis and the vulva, however slight.

In violation of 18 U.S.C. §§ 1153, 2241(c) and 2246(2)(A).

A TRUE BILL:

/S/
FOREPERSON OF THE GRAND JURY

Assistant United States Attorney

 05/17/12 8:37am